



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**AGENDA OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
NOVEMBER 2, 2011**

Robert M. Czech, Chairperson
Robert E. Brenner
Thomas J. Perna
Richard E. Williams

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Joseph R. Cox
Township of West Milford
Department of Public Works
Release at the end of the working test period

In the Matter of Yenis Mercedes
North Jersey Developmental Center
Department of Human Services
Removal

In the Matter of Mark Platt
Bayside State Prison
Department of Corrections
Removal

In the Matter of Ray Rawls
Department of Children and Families
Suspension

In the Matter of Louis Wohltman and Kevin Johnson
City of Newark
Police Department
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN
THE ABOVE CASES – SETTLEMENT**

ACTION:

**A-2 VICTOR AMORUSO, ET AL. AND DOUGLAS LAFORGE
(CONSOLIDATION)**

Victor Amoruso, *et al.* and Douglas LaForge, Village of Ridgewood, various Departments, appeal the good faith of their layoff effective July 14, 2010, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

ACTION:

A-3 TOWN OF HAMMONTON

Susanne Carroll, Robin Ripa and Lorelei Alden, Town of Hammonton, various Departments, appeal the good faith of their layoff effective July 27, 2009, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

ACTION:

A-4 ROBERT PAYNE

Robert Payne, Supervising Juvenile Detention Officer, Monmouth County, Department of Corrections and Youth Services, appeals the good faith of his layoff effective July 1, 2010, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoff.

ACTION:

A-5 CHRISTOPHER BAYARD

Christopher Bayard, Police Officer, City of Camden, Police Department, removal effective January 17, 2011, on charges of violation of Department rules and regulations, chronic or excessive absenteeism and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-6 LUIS LOPEZ

Luis Lopez, Sanitation Worker, North Bergen Utilities Authority, removal effective May 12, 2008, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-7 ELSIE VEGA-MEDINA

Elsie Vega-Medina, Police Officer, City of Trenton, Police Department, removal effective June 11, 2010, on the charge of conduct unbecoming a public employee. This matter was held over from the October 19, 2011, Civil Services Commission meeting for additional review of the settlement agreement.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:**A-8 RASSAN MUHSIN**

Rassan Muhsin, County Correction Officer, Mercer County, Department of Corrections, removal effective April 29, 2011, on charges of chronic or excessive absenteeism, other sufficient cause and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Grant the appointing authority's motion for summary decision and uphold the removal.

ACTION:**A-9 LEZLIE SCOTT**

Lezlie Scott, Library Associate, City of East Orange, Library, removal effective February 21, 2011, on charges of insubordination, chronic or excessive absenteeism or lateness and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-10 SANDRA SANDER-THURMAN

Sandra Sanders-Thurman, Public Safety Telecommunicator, City of Trenton, Department of Administration, removal effective October 23, 2009, on charges of inability to perform duties, insubordination, conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:**A-11 ROOSEVELT WILSON**

Roosevelt Wilson, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective December 8, 2010, on charges of other sufficient cause conduct unbecoming a public employee, neglect of duty, leaving assigned work area without permission creating a danger to persons or property, falsification, and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:**A-12 BRAD WITTJE**

Brad Wittje, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective September 28, 2010, on charges of conduct unbecoming a public employee, other sufficient cause, physical or mental abuse of a patient, client, resident or employee, inappropriate physical contact or mistreatment of a patient, client, resident or employee and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

A-13 TYROME KERKULAH

Tyrome Kerkulah, Senior Youth Worker, Township of Ewing, Department of Children and Families, removal effective September 10, 2010.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

- B-1** The Division of State and Local Operations requests the inactivation of four CATV System Operations and Complaint Investigator titles used by the Board of Public Utilities.

**MEMORANDUM**

DATE: October 19, 2011
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations
SUBJECT: Change in the Classification Plan

STATE GOVERNMENT TITLES

The Division of State and Local Operations requests the inactivation of four (4) titles with the Board of Public Utilities.

The titles are unencumbered. We have notified the Appointing Authority of our plans to inactivate, and have provided them with the opportunity to review and comment.

This action is requested to comply with Civil Service Commission goals of title reduction of unnecessary titles.

The effective date of these title inactivations will be the first pay period that follows the Commission's approval of the action.

TITLE INACTIVATIONS

CATV System Operations and Complaint Investigator Trainee
56833 Classified NE State

CATV System Operations and Complaint Investigator
56831 Classified NE State

Senior CATV System Operations and Complaint Investigator
56832 Classified NE State

Supervisor CATV System Operations and Complaints Investigations
56834 Classified NL State

ACTION:

- B-2** The Division of State and Local Operations requests the consolidation of several titles in the Library Assistant title series that have typing variants.



MEMORANDUM

DATE: October 19, 2011
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations
SUBJECT: Change in the Classification Plan

STATE GOVERNMENT TITLE CONSOLIDATION INITIATIVE

Several State titles possessing similar duties, responsibilities and experience requirements have been identified for title consolidation. Specifically, several titles have been identified as typing variants. These titles are identical to their base titles, except for the inclusion of typing duties.

The typing function has evolved over time to include the use of keyboard equipment to input/retrieve information on a desktop or other computer, replacing antiquated technology such as typewriters. Most positions in these titles now require some level of proficiency in keyboarding/typing information into a computer or other key entry device used by the agency. Thus, maintaining separate titles for this function is unnecessary and obsolete by today's standards. The definitions, requirements, knowledge, skills and abilities sections of the base title specifications will be modified to accommodate these proposals.

The title actions will be processed as lateral employee movements; appointment type to appointment type, with retention of existing status.

Upon successful completion of the consolidation process, the consolidated titles involved will be inactivated. Any existing eligibility lists for these titles shall be processed as follows:

- Promotional and open competitive lists issued from pending announcements for any affected title in which employees with provisional appointments are serving will be certified for one time use only in order to effect permanent appointment(s) and will be declared expired upon disposition of the certification.
- A complete list that has never been used and contains no employees with current provisional appointments for the title and unit scope specified shall be declared expired.
- A complete list which contains employees with current provisional appointments for the title and unit scope specified (with the exception of such employees currently on active military duty) will be processed for one time use and will be declared expired upon the disposition of the certification.
- An incomplete list containing no employees with current provisional appointments for the title and unit scope specified shall be declared expired.
- Any employee currently on active military duty will be afforded all applicable rights under Federal and State law upon their release from active duty and given the opportunity to apply and compete for any announcements for which they would otherwise have been eligible but for their military service.
- Eligibility lists for affected titles and unit scopes which have expired will be revived as necessary to address unanticipated situations which may arise.

State Appointing Authorities have been given the opportunity to review this proposal and all articulated issues have been reviewed and addressed.

This consolidation will be made effective the first pay period following the Commission's approval.

CONSOLIDATION OF TITLES

FROM

Library Assistant Typing
A09-74132c NC * 35/12

Senior Library Assistant Typing
A10-74133c C * 35/12

Principal Library Assistant Typing
R14-74134c C * 35/12

TO

Library Assistant
A09-74132 NC * 35/12

Senior Library Assistant
A10-74133 C * 35/12

Principal Library Assistant
R17-74144 C * 35/12

JM/KC/BP

ACTION:

B-3 LASHEENA MARTIN

Lasheena Martin appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9999K) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-4 CARL L. ROTH

Carl L. Roth appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999K) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION:

B-5 KATHRYN CANNONE

Kathryn Cannone, a Principal Occupational Therapist with Ancora Psychiatric Hospital, Department of Human Services, represented by Michele Vickers, Staff Representative, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 GEORGE CAPERTINA

George Capertina, an Emergency Service Patrol Operator with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 WAYNE CARMICHAEL

Wayne Carmichael, an Administrative Analyst 2 (Data Processing) with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-8 KAREN HAMSHAR

Karen Hamshar, a Maintenance Worker 1, Transportation, with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-9 FLOYD KIRKLAND

Floyd Kirkland, a Sign Technician 3 with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-10 DAVID ANDERSON

David Anderson, a former Construction Code Inspector 1 with the Department of Community Affairs, represented by Kevin McGovern, Esq., appeals the determination of his layoff rights by the Division of State and Local Operations.

ACTION:

B-11 KEVIN COWAN

Kevin Cowan, a Sergeant First Class with the Division of State Police, Department of Law and Public Safety, requests restoration of prior State service in order for his personnel record to reflect continuous service for vacation leave entitlement purposes.

ACTION:

B-12 ALAN GATTO

Alan Gatto appeals his non-appointment to the noncompetitive title of Investigator Trainee, Taxation or Tax Representative Trainee with the Department of the Treasury.

ACTION:

B-13 THOMAS GILLEN

Thomas Gillen, a Sheriff's Investigator with Hudson County, represented by Catherine M. Elston, Esq., requests that he be placed on a regular reemployment list for the title of Sheriff's Officer.

ACTION:

B-14 ANTHONY RIVERA

Anthony Rivera, a Senior Correction Officer, Juvenile Justice, with the Juvenile Justice Commission, requests a waiver of repayment of a salary overpayment pursuant to *N.J.S.A. 11A:3-7*, which provides that when an employee has erroneously received a salary overpayment, the Civil Service Commission may waive repayment based on a review of the case.

ACTION:

B-15 GILBERTO ROLON

Gilberto Rolon appeals the determination of the Division of Selection Services which denied him admittance to the promotional examination for Fire Officer 1 (PM5205N), Jersey City.

ACTION:

B-16 THOMAS STUPPIELLO

Thomas Stuppiello appeals the determination of the Division of Selection Services, which found that he was ineligible for the promotional examination for Sanitation Driver (PM0185N), Woodbridge, because the announced title did not represent a promotion.

ACTION:

B-17 PATRICK BEATTY

Patrick Beatty, a Senior Police Officer, Human Services, with the Department of Human Services, represented by Thomas A. Cushane, Esq., petitions the Civil Service Commission for reconsideration of the final decision, rendered on March 16, 2011, which remanded the matter of his removal, effective July 15, 2010, to the Office of Administrative Law for a hearing on the merits of the charges.

ACTION:

B-18 SAMUEL MUNOZ AND ANDRES NIEVES

Samuel Munoz and Andres Nieves, Fire Fighters with Camden, represented by Mitesh M. Patel, Esq., petition the Civil Service Commission for reconsideration of the final decision, rendered on April 6, 2011, which denied their requests for permanent appointments to the title of Fire Captain.

ACTION:

B-19 JOSEPH CANALE

Joseph Canale, a Supervisor, General and Support Services, with Trenton Psychiatric Hospital, Department of Human Services, appeals the determination of the Assistant Commissioner, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-20 MICHAEL FITZGIBBON

Michael Fitzgibbon, a Sergeant Campus Police with Rowan University, appeals the determination of the President of Rowan University, stating that there was probable cause to substantiate a finding that he violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-21 JAN EARL PETTY

Jan Earl Petty, a former Institutional/Building Support Services, IFPTE, with Woodbridge Developmental Center, Department of Human Services, appeals the determination of the Assistant Commissioner with DHS, stating that there was probable cause to substantiate a finding that he violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-22 THOMAS WHITNER

Thomas Whitner, a former Correction Lieutenant with the Department of Corrections, appeals the determination of the Assistant Director, Equal Employment Division, which found that the appellant did not present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-23 REBECCA ZAYAS

Rebecca Zayas, an Institutional Trade Instructor 2, Cooking, with Southern State Prison, Department of Corrections, appeals the determination of the Assistant Director, Equal Employment Division, which found that the appellant failed to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-24 ANGELA DOGGETT

Angela Doggett appeals the determination of the Division of State and Local Operations that her position with the Department of Health and Senior Services is properly classified as a Principal Clerk Typist. The appellant seeks a Principal Data Entry Machine Operator or Health Data Specialist 3 classification.

ACTION:

B-25 PAULA R. JACOBS

Paula R. Jacobs appeals the determination of the Division of State and Local Operations that her position with the Department of Children and Families is properly classified as Head Data Entry Machine Operator. The appellant seeks a Technical Support Specialist 1 classification.

ACTION:**B-26 KAREN MAY**

Karen May appeals the decision of the Division of State and Local Operations which found that her position with the Department of Law and Public Safety is properly classified as Clerk Typist 1, Evidence Handling. The appellant seeks a Clerk Typist 2, Evidence Handling job classification.

ACTION:**B-27 THOMAS NICOLETTE**

The Township of Nutley, represented by Ramon Rivera, Esq., appeals the July 18, 2011 decision of the Division of State and Local Operations which found that Thomas Nicolette's position is properly classified as a Fire Captain.

ACTION:**B-28 CASHIER TYPING (M1851J), IRVINGTON TOWNSHIP**

The appointing authority's failure to dispose of the certification for Cashier Typing (M1851J), Irvington Township, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:**B-29 KEYBOARDING CLERK 2 (PM0191M), POINT PLEASANT BOROUGH**

The appointing authority's failure to dispose of the certification for Keyboarding Clerk 2 (PM0191M), Point Pleasant Borough, while provisionals are serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:

B-30 MECHANIC DIESEL (M0041M), POINT PLEASANT BOROUGH

The appointing authority's failure to dispose of the certification for Mechanic Diesel (M0041M), Point Pleasant Borough, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:**B-31 PERSONNEL AIDE (C0428M), HUDSON COUNTY**

Hudson County requests permission not to make an appointment from the March 14, 2011 certification for Personnel Aide (C0428M).

ACTION:**B-32 POLICE AIDE (M0020L), EAST ORANGE**

The appointing authority's failure to dispose of the certification for Police Aide (M0020L), East Orange, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:**B-33 PURCHASING AGENT (M0595L), WEST NEW YORK**

The appointing authority's failure to dispose of the certification for Purchasing Agent (M0595L), West New York, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:**B-34 PURCHASING AGENT (SPECIAL RE-EMPLOYMENT LIST), NEWARK**

The appointing authority's failure to dispose of the certification for Purchasing Agent (Special Re-employment List), Newark, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:

B-35 SAFETY SPECIALIST 1, MOTOR VEHICLE COMMISSION

The appointing authority requests that the Civil Service Commission allow the out-of-title work performed in the title series Customer Service Representative and Support Services Representative to be acceptable to satisfy the experience requirement for the Safety Specialist 1, Motor Vehicle Commission (PS2055T) and (PS2056T), MVC examinations on a one-time basis.

ACTION:**B-36 SECURITY GUARD (M1374L), IRVINGTON TOWNSHIP**

The appointing authority's failure to dispose of the certification for Security Guard (M1374L), Irvington Township, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:**B-37 SONIA GIRON**

The appeal of Sonia Giron, a Police Officer with Jersey City, of her removal, effective August 10, 2010, on charges, was heard by Administrative Law Judge Walter M. Braswell (ALJ), who rendered his initial decision on May 4, 2011. At its meeting on October 19, 2011, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the removal. However, the Commission found it necessary to address the exceptions and cross exceptions filed by the parties. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-38 DONNA JACKSON

The appeal of Donna Jackson, a County Correction Officer with Hudson County, of her removal, effective May 6, 2010, on charges, was heard by Administrative Law Judge Imre Karaszegi, Jr. (ALJ), who rendered his initial decision on September 12, 2011. At its meeting on October 19, 2011, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to reverse the removal. Rather, the Commission upheld the charges related to the suspension of the appellant's driver's license and imposed a 10 working day suspension. The proposed decision is now submitted for the Commission's review.

ACTION:**B-39 SPENCER SMITH**

The appeal of Spencer Smith, a Police Officer with the City of Wildwood, concerning his release at the end of his working test period, effective January 27, 2011, was before Administrative Law Judge Joseph F. Martone (ALJ), who rendered his initial decision on September 13, 2011, acknowledging the settlement presented to the ALJ. At its meeting on October 19, 2011, the Civil Service Commission (Commission) modified the ALJ's recommendation and acknowledged an amended settlement agreement. The proposed final decision is now submitted for the Commission's review.

ACTION:**B-40 MATTHEW TROTTER**

The appeal of Matthew Trotter, a Police Officer with the City of Wildwood, concerning his release at the end of his working test period, effective January 27, 2011, was before Administrative Law Judge Joseph F. Martone (ALJ), who rendered his initial decision on September 13, 2011, acknowledging the settlement presented to the ALJ. At its meeting on October 19, 2011, the Civil Service Commission (Commission) modified the ALJ's recommendation and acknowledged an amended settlement agreement. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-41 RICHARD WARREN

The appeal of Richard Warren, a Senior Accountant with the Bloomfield Public Library, of the good faith of his layoff effective June 15, 2011, for reasons of economy and efficiency, was before Administrative Law Judge Kelly J. Kirk (ALJ), who discontinued all proceedings in this matter upon the appellant's withdrawal of his appeal and returned the matter to the Civil Service Commission (Commission) for appropriate disposition. At its meeting on October 19, 2011, the Commission acknowledged the appellant's withdrawal of his appeal with prejudice. The proposed final decision is now submitted for the Commission's review.

ACTION:**B-42 DONNA ARCIERI**

Donna Arcieri appeals the determination of the Division of Selection Services which found that she was ineligible for the promotional examination for Microbiologist 5 (PS2126H), Department of Health and Senior Services.

ACTION:**B-43 CHRISTOPHER CARAIG, ET AL.**

Christopher Caraig, Cherie Hanscomb, Peter Midgley, Heather O'Malley and Kevin Tilli appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Investigator, Public Defender (S0209N), Office of the Public Defender.

ACTION:**B-44 WALTER HARRINGTON**

Walter Harrington appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Motor Vehicle Operator 1 (PS1726K), Department of Human Services.

ACTION:

B-45 BEATRICE MCMANUS

Beatrice McManus appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Assistant Supervisor of Billing and Collecting (PM0318N), Vineland.

ACTION:

B-46 SUSAN R. PIERSANTI

Susan R. Piersanti appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Administrative Assistant 3 (PC0223N), Burlington County.

ACTION:

B-47 KEVIN P. REILLY

Kevin P. Reilly appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the promotional examination for Technical Assistant, Management Information Systems (PS2105F), Department of Education.

ACTION:

B-48 LYNDA WELDEN

Lynda Welden appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Assistant Supervisor of Professional Residential Services, Developmental Disabilities (PS2334K), Department of Human Services.

ACTION:

B-49 JOSEPH IDIONG

Joseph Idiong appeals the test administration of the examination for Investigator 1 Taxation (PS1469U), Department of the Treasury.

ACTION:

B-50 JOHN WARD

John Ward appeals the score on the examination for Battalion Fire Chief (PM3506L), Newark.

ACTION:

B-51 ADOPTED AMENDMENTS: N.J.A.C. 4A:6-1.6 AND 1.7, SICK LEAVE INJURY

Submitted for the Commission's approval is a Notice of Adoption regarding the proposed amendments to *N.J.A.C.* 4A:6-1.6 and 1.7, Sick leave injury (SLI) program. The amendments would codify the sunset provisions regarding the SLI program that were enacted in P.L. 2010, c.3, and effective on May 21, 2010. No comments were received during the public comment period. It is recommended that the Commission adopt this proposal.

ACTION:

B-52 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of October 19, 2011.

ACTION: